

**PLANNING & ZONING COMMISSION
MEETING
OCTOBER 25, 2005**

Present:

Sarah Murphy, Chairman
Kevin Bittinger, Vice-Chairman
Allan Feldman
Jim Crain
Derryll Anderson
Bill Talley

Call to Order

Chairman Murphy called the October 25, 2005 meeting to order. The first item on the agenda was approval of minutes from the September 27, 2005 meeting. There were no changes.

Chairman Murphy called for a motion.

Motion: Commissioner Talley motioned to approve the minutes of September 27, 2005 meeting.

Second: Commissioner Anderson seconded the motion.

Vote: Unanimous

Motion carried.

Chairman Murphy stated that Georgia Law requires that certain disclosures must be made when considering a rezoning.

Chairman Murphy asked commission members to signify whether or not they or any family member had a financial or property interest in the annexation or rezoning agenda items.

Chairman Murphy and all of the commission members responded no.

Chairman Murphy also noted that if any of the applicants for rezoning had donated anything of value to any City Official in the last two years in the value of \$250.00 or more they must have notified the City in writing within ten days of the meeting. Also, if anyone in the public wished to speak in opposition to the rezoning and they have donated anything of value to any City Official in the last two years of \$250.00 or more they must have notified the City in writing five days prior to the meeting.

Chairman Murphy asked Mr. Gunn if notifications had been received. Mr. Gunn responded no.

Grove Park, Highway 314 – Rezoning from (C-3 to DR-15) & Variance from (Sec. 94-315) – File # 03-040

Chairman Murphy called on staff for an update on this project. Mr. Gunn stated that because of discussions from the work session and other meetings with surrounding neighbors; the applicant would be making changes to the plans, so when he presents his plans it would be something proposed with input from the surrounding community. The applicant has asked to have this project tabled until the next meeting. Staff recommended tabling this project.

Chairman Murphy called on the applicant.

Ms. Donna Black with Scarborough and Rolader represented the project. She said the reason for asking to table this project is that they are working with DOT on the entrance to the subdivision. She added that there had been a lot of interest in the location of the entrance and if there is going to be one or two entrances. Ms. Black said that they are currently looking at putting the entrance at the light at the Lowe's entrance. However, that light is geared towards a commercial development and is inappropriate for a residential use. Ms. Black said that they are working toward a more residential entrance which would work for them in the kind of entrance they would like for the subdivision. She said that they needed more time to work out the details and would be able to show the specifics before this commission votes on this project.

Chairman Murphy said that there are many residents interested in this project and she encourages them to stay in touch with the developer. She added that Planning and Zoning Commission is having a condensed schedule for the next two months is because of the holiday which would be during the fourth week of November when this body normally meets. The work session date is November 8, 2005 and the voting meeting will be on December 6, 2005. She said that this commission has heard many comments from the public and she would advise them to reserve their comments for the next meeting when the developer presents his revised plans. However, if there were something that needs to be heard before the commission tables this, she would give them an opportunity to speak.

Dr. John Kendrick spoke and stated that his property adjoins this property in question. He said that he did not have a problem with the development, but would not like to see the entrance in his driveway. He added that would be hazardous to the people that are trying to come in and out of that entrance; he did not have a problem if the entrance is by Lowe's or White Road. His only objection is the entrance to the subdivision at the entrance to his office. He asked if he needed to come back to any of the other meetings.

Chairman Murphy said that there will be a work session on November 8, and the commission will be voting on this project on December 6, 2005; if he would like to attend those meetings. She advised Ms. Black if she could keep Dr. Kendrick updated with the changes in the entrance.

Ms. May McCray of 230 Julia Court said she had an opposition to the detention pond in the center because it is directly behind her house and since that area would be drenched most of the time the roots would always be wet and it would cause the pine trees to fall on her house since it is within striking distance of her house. She said if the developer is going to develop this property and install a detention pond in that area that he needs to remove those trees. Ms. McCray added that she would be getting an arborist to give a report on the trees. She also talked about the water runoff on all sides of this property how it should be addressed.

Chairman Murphy said that storm runoff is something that was addressed previously and that is something the applicant is working on, revising the topography and changing the level of the land. She asked Ms. Black if she would like to respond to the comments from Ms. McCray.

Ms. Black said that she would like to work with Ms. McCray on this matter, and Billy Brundage who is the engineer for this project. Mr. Brundage had been out to the site and is currently working on the drainage problems and what the best way is to handle the water.

Commissioner Anderson asked if the detention pond on the right is going to be eliminated.

Ms. Black said that the drainage plans has not been completed, but from talking to Mr. Brundage that pond would not be completely eliminated but he is working to remove part of the water that naturally drains to that area and channel it towards Old White Road.

There were no further public comments, and the commissioners had no further comments or questions.

Chairman Murphy called for a motion.

Motion: Vice-Chairman Bittinger moved to table this agenda item until the next meeting.

Second: Commissioner Feldman seconded the motion.

Vote: Unanimous

Motion carried.

Pye Lake, Hood Avenue – Preliminary Plat – File # 05-020.01

Chairman Murphy called on staff for an update on this project. Mr. Gunn stated that the applicant has submitted a preliminary plat for the Hood Avenue property that was rezoned last month from R-22 to R-22 PUD. The property is approximately 6.2 acres of land that fronts onto Hood Avenue and it will allow for the development of 12 residential lots. It will also allow the City to address structural problems with the Pye Lake dam and downstream flooding problems. Mr. Gunn

added that Pye Lake was donated to the City of Fayetteville as a part of the rezoning and pursuant to the development agreement between the City of Fayetteville and Mrs. Harriett Parham. He said that there were no changes to the original layout and there was nothing new to add. Staff recommended approval.

Chairman Murphy called on the applicant for comments.

Ms. Donna Black represented this project. She said that the plans have not changed since the rezoning, so the preliminary plat looks the same.

Chairman Murphy called for public comments. There were none. She then called on the commissioners, who had no questions or comments.

Chairman Murphy called for a motion.

Motion: Commissioner Talley motioned to approve the preliminary plat for Pye Lake.
Second: Commissioner Anderson seconded the motion.
Vote: Unanimous

Motion carried.

Advanced Aesthetics, P.C., Land Lot 125 of the 5th District – Annexation & Rezoning – File # 05-026

Chairman Murphy called for discussion of this project. Mr. Gunn stated that the applicant is proposing to annex the area located along Georgia Highway 54 West; between Yorktown Drive and Hickory Avenue into the City of Fayetteville. There is a building on site that houses the Advanced Aesthetics business. The property is currently zoned O&I in the County and the applicant is asking to rezone it to O&I in the City of Fayetteville. The City Future Land Use Map calls for O&I in that area. Mr. Gunn showed a picture of the building that is currently on that site, which will be removed and two new buildings will be constructed. Staff received an official response from Fayette County saying that the county has no objection to this annexation. Mr. Gunn added that at the work session the applicant was asked to provide an address to his Jonesboro office for anyone who was interested in reviewing that location and he did submit that address. Staff recommended approval.

Chairman Murphy called on the applicant for comments.

Mr. Mike Tallant represented the developer for the project. He said he did not have anything to add, but will be glad to answer any questions the commission may have.

Chairman Murphy called for public comments. There were none. She called on the commissioners. Ms. Murphy also informed that applicant if the commission recommends approval on this project; it would be for the annexation and rezoning

only, and not approval of the elevations of the building. The applicant will have to come back with full site development plans for approval later.

Vice-Chairman Bittinger said that this is consistent with the Future Land Use Plan so he did not have an opposition to this annexation and rezoning.

Commissioner Crain agreed.

Chairman Murphy called for a motion on the annexation.

Motion: Vice-Chairman Bittinger motioned to recommend approval on the annexation.
Second: Commissioner Feldman seconded the motion.
Vote: Unanimous

Motion carried.

Chairman Murphy called for a motion on the rezoning.

Motion: Vice-Chairman Bittinger motioned to recommend approval on the rezoning from O&I in Fayette County to O&I in the City of Fayetteville.
Second: Commissioner Feldman seconded the motion.
Vote: Unanimous

Motion carried.

280 North Jeff Davis, North Jeff Davis Drive – Rezoning from R-30 to C-1
File # 05-027

Chairman Murphy called for discussion on this project. Mr. Gunn stated the applicant is requesting to rezone the property located at 280 Jeff Davis Drive (next to the Scarborough/Rolader's office) from R-30 to C-1. This will allow for the conversion of the existing single-family house to use as an office. The house is approximately 1,600 square feet. The property is currently zoned R-30 and the City of Fayetteville's Comprehensive Plan Future Land-Use Map designates this site for downtown mixed-use development. The proposed C-1 zoning is compatible with the mix of residential, commercial, and office uses found along the North Jeff Davis corridor. If this is rezoned then it will be required to have a buffer between this property and the residential property. Access to the property will remain from North Jeff Davis Drive. Staff feels that this is compatible with the mixed residential, commercial and office use on the Jeff Davis corridor. Staff recommended approval.

Chairman Murphy called on the applicant for comments.

A represented of the applicant said that at the last meeting the commission had asked about a contract on the house. He said a few people were interested in the

property but would rather wait for the rezoning to be approved versus signing a contract that had a contingency for rezoning in it.

Chairman Murphy called for public comments. There were no public comments. She called on the commissioners.

Commissioner Talley said he could not support shopping for zoning. If the applicant had a client that was willing to commit by signing a contract then he was willing to consider the rezoning.

Vice-Chairman Bittinger agreed with Commissioner Talley and added that the commission needs more to go on before approving the zoning, instead of just changing the zoning and hoping that someone is going to do something with the property that everyone agrees with.

Chairman Murphy said one of the reasons that this body does not like to approve rezoning without knowing what the uses are going to be is what Mr. Gunn was alluding to. If someone comes in for a specific use, then they may realize that they cannot put the parking where they want to and that there are buffers that would restrict the use so that a variance is needed. So it is better to address all of those issues at the time of rezoning instead of having to come back and correct those problems later.

Commissioner Feldman said that he did not think that C-1 was compatible with the Jeff Davis corridor because that corridor is designed for downtown, where you have building next of each other. The front yard, rear yard, side yard setbacks are zero. O&I is a better use for that property, C-1 is too intense.

Commissioner Crain agreed with Commissioner Feldman.

Commissioner Anderson advises the applicant that he needs to present a plan.

Vice-Chairman Bittinger said if they deny the application there may be a waiting period before he could apply again.

Chairman Murphy informed the applicant what the commission is suggesting if this project looks like this is going to be denied that the applicant might prefer to withdraw the application. City Council makes the final decision on any rezoning matter.

The applicant said that he prefer to withdraw the application.

No action was taken because the applicant withdrew the application.

Barnard & Associates, 235 & 245 South Glynn Street – Development Plans - & 3 Variances – File # 05-022.01

Chairman Murphy called for discussion on the site plan. Mr. Gunn stated that the applicant is proposing to develop the properties located at 235 and 245 South Glynn Street as a mixed-use development that will include office space, retail, and residential units. Two historic homes are located on this site, the former antiques stores. The historic homes will be saved and new structures, with compatible architecture, will be constructed within the mixed-use development (behind the existing structures). Mr. Gunn said that the applicant applied for several variances and there is still one variance that is needed to allow for the parking in the front in the Main Street District and rather than doing them separately, the applicant asked to have the project tabled until all of the variances and development plans could be done at once. Staff recommended tabling this project.

Chairman Murphy said a legal ad needed to run for the additional variance. She called on the applicant for comments.

The applicant was not present.

Chairman Murphy called for public comments. There were none. She then called on the commissioners for comments.

Commissioner Anderson asked about the timetable for moving of Mowell's house to that site.

Mr. Gunn stated that the applicant is aware of it and still has some time.

Chairman Murphy called for a motion.

Motion: Commissioner Anderson move to table the development plans and variances for this project.
Second: Commissioner Crain seconded the motion.
Vote: Unanimous

Motion carried.

Proposed amendments to the zoning ordinance (Sec. 94-162) to address crematories in the RP (residential professional) zoning district.

Chairman Murphy called on staff for an update on this item. Mr. Gunn stated that this amendment to the zoning ordinance was discussed several time in the pass few months and there are nothing new to add. Mr. Mowell would like to operate a crematory at his site which is not allowed in the R-P zoning district. Staff was asked to prepare a zoning amendment so that the commission could vote for or against it, and staff has done so.

Chairman Murphy said that there is no applicant for this agenda item and observed that no one is present representing Mr. Mowell. She called for public comments. There were no public comments. She called on the commissioners.

Commissioner Anderson said that she is not against this use because it is not going to be any worse than the burning of debris.

Commissioner Feldman was against adding crematories in the R-P zoning district.

Vice-Chairman Bittinger said that he is satisfied with the way the ordinance as written and is appropriate in this case; there is plenty of land zoned for this type of business.

Commissioner Crain agreed with Commissioner Feldman and Vice-Chairman Bittinger about changing the ordinance for a crematory in a Residential-Professional district.

Chairman Murphy agreed with the Commissioners.

Chairman Murphy called for a motion.

Motion: Commission Talley motioned to deny the proposed amendment to the zoning ordinance to address crematories in the Residential-Professional zoning district.
Second: Vice-Chairman Bittinger seconded the motion.
Vote For: Vice-Chairman Bittinger, Commissioners Feldman, Crain, Talley
Opposed: Commissioner Anderson

Motion carried.

DISCUSSION

Onyx Restaurant, 750 North Glynn Street – Revised Elevations – File # 05-025 Staff Reports

Chairman Murphy called on staff for an overview of this project. Mr. Gunn stated that this project was approved at the last Planning and Zoning meeting in September 2005. The applicant is back with a minor change to the elevation. They would like to change the awning from maroon to black. Mr. Gunn showed the material to the commission. He asked if the commission felt comfortable to allow staff to review and approve the colors or did the applicant need to come back to P&Z for approval.

Chairman Murphy and the commissioners agreed that staff could use their discretion in approving the awning color.

Commissioner Talley applauds the applicant for coming in before changing the color.

The commission agreed.

Staff Reports

Mr. Gunn said that there are no staff reports. He added that Enterprise-Rent-A-Car has met three of the four conditions that were placed on the approval. They still have the resurfacing of the parking lot to do.

Commissioner Anderson said that the building material on Mowell Funeral Home looks light pink/mauve because she thought that it was suppose to be white with black trim. She asked if they got permission to cut the oak tree on site because it is gone.

Chairman Murphy asked if anyone looked at the barbeque pit cover at Fayetteville Community Foundations, Inc. The roof looks like a dark blue color, and Chairman Murphy wanted to verify that the color was what the commission approved.

Vice-Chairman Bittinger said that Flash Foods on Highway 54 West has some extremely bright lights.

Chairman Murphy asked staff to look at those issues.

Adjourned

Chairman Murphy called for a motion to adjourn.

Motion: Commission Feldman motioned to adjourn the October 25, 2005 meeting.

Second: Commissioner Talley seconded the motion.

Vote: Unanimous

Motion carried, meeting adjourned

Respectfully Submitted,

Bibi Alli
Staff Assistant